

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: James Fencil
DOCKET NO.: 05-27324.001-I-1 thru 05-27324.003-I-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board (hereinafter PTAB) are James Fencil, the appellant, by attorney Brian S. Maher with the law firm of Weis, DuBrock & Doody in Chicago and the Cook County Board of Review.

The subject property consists of three parcels of land totaling 266,934 square feet and improved with a part one and part seven-year old, one-story, metal panel, industrial building. The improvement contains 37,636 square feet of buildable area. The appellant, via counsel, argued that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal.

In support of the market value argument, the appellant submitted an appraisal of the subject property with an effective date of January 1, 2005. The appellant's attorney argued that the residential dwelling on the subject property was demolished. The appraisal does not address the residential property or make any reference to its demolition. The appraiser used the three traditional approaches to value to arrive at market value of

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Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change in the assessment of the property as established by the Cook County Board of Review is warranted. The correct assessed valuation of the property is:

DOCKET #	PIN	LAND	IMPROVEMENT	TOTAL
05-27324.001-I-1	29-22-300-013	\$53,311	\$15,324	\$ 68,635
05-27324.002-I-1	29-22-300-014	\$30,206	\$ 0	\$ 30,206
05-27324.002-I-1	29-22-300-015	\$39,792	\$84,170	\$123,962

Subject only to the State multiplier as applicable.

PTAB/0660JBV

\$1,085,000. The appraiser determined that the highest and best use to be its current use.

In the cost approach to value, the appraiser reviewed the sales of four comparables to determine a value for the land of \$2.00 per square foot or \$535,000, rounded. Using the *Marshall and Swiss Computerized Cost Estimate Program*, the appraiser estimated a replacement cost new for the improvement of \$1,271,344. The appraiser then determined depreciation from all causes at 45% for a value of \$699,239 for the improvement. The depreciated value of the site improvements of \$10,000 and value of the land was then added in for a final value under the cost approach of \$1,245,000, rounded.

In the income approach, the appraiser reviewed the rent of four comparable properties and established a range of \$3.50 to \$4.00 per square foot of building area. After adjustments, the appraiser determined a potential gross income for the subject of \$3.50 per square foot of buildable area \$131,726. The appraiser then applied a 10% vacancy & collection factor for an effective gross income (EGI) from all sources of \$118,553. Expenses were then estimated at 10% for a net operating income of \$106,698. Using the band of investments and published sources, the appraiser applied a capitalization rate of 9.75% for a total value based on the income approach of \$1,095,000, rounded.

Under the sales comparison approach to value, the appraiser examined four suggested comparables located in the subject's market. The comparables consist of a one-story, masonry, metal panel or mixed construction industrial building. The comparables range: in age from 15 to 25 years; in size from 21,406 to 41,647 square feet of buildable area; and in land to building ratio from 6.26:1 to 9.67:1. The properties sold from November 2004 to April 2005 for prices ranging from \$600,000 to \$1,050,000 or from \$23.24 to \$28.03 per square foot of building area. The appraiser made several adjustments to the comparables. Based on this, the appraiser determined the subject property's value using the sales comparison approach to be \$1,075,000 rounded.

In reconciling the approaches to value, the appraiser gave primary emphasis to the sales comparison approach and secondary consideration was given to the income approach for a final value for the subject as of January 1, 2005 of \$1,085,000. At hearing, the appellant's attorney argued that the appraisal was the best evidence of the subject's market value.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$222,803. The subject's assessment reflects a market value of \$618,897 using the level of assessment of 36% for Class 5B property as contained

in the Cook County Real Property Assessment Classification Ordinance. The board of review also argued that the subject property contained a residential dwelling that was not demolished on the lien date of January 1, 2005, but some time after April 4, 2005 as noted by the demolition permits.

The board also submitted raw sale information for a total of eight properties suggested as comparable to the subject. These comparables are all located within the subject's market and are improved with one-story, industrial buildings. These buildings range in age from one to 17 years and in size from 25,163 to 44,000 square feet of buildable area. The comparables sold from May 2001 to December 2005 for prices ranging from \$480,000 to \$2,850,000 or from \$17.14 to \$71.25 per square foot of buildable area. As a result of its analysis, the board requested confirmation of the subject's assessment. At hearing, the board of review's representative rested on the evidence submitted.

After considering the evidence and reviewing the testimony, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

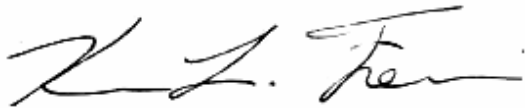
When overvaluation is claimed the appellant has the burden of proving the value of the property by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2nd Dist. 2000). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. 86 Ill.Admin.Code 1910.65(c). Having considered the evidence presented, the PTAB concludes that the evidence indicates a reduction is not warranted.

The PTAB finds that, in addition to the industrial building, the subject property contained a residential dwelling on the lien date of January 1, 2005. The appraisal does not estimate a value for this dwelling, nor does it address the existence of the property at any point in time. The PTAB further finds that without any evidence addressing this dwelling, the appraisal does not provide an accurate indication of value for the subject property and, therefore, the appellant has failed to establish by a preponderance of the evidence that the subject was over assessed.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



Chairman



Member



Member



Member



Member

DISSENTING: _____

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: April 25, 2008



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.